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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,145	04/24/2000	TOSHIO YAMAWAKI	37395/DBP	5367

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EXAMINER

BOAKYE, ALEXANDER O

ART UNIT	PAPER NUMBER
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2416

MAIL DATE	DELIVERY MODE
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04/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/530,145	Applicant(s) YAMAWAKI, TOSHIO	
	Examiner ALEXANDER BOAKYE	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/12/09; 03/23/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16, 17, 18, 22, are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U. S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 103

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-16, 19-21, 23, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US Patent # 5,640,400) in view of Kwano et al. (US Patent # 5,933,605).

Regarding claims 10, 11, 12, 13, Sato discloses a gateway device (column 9, line 44; see GW1 1 of Fig. 3) which interconnects two communication buses (see 11,12 of Fig. 3)implemented with different communication methods, and in which information to be communicated is made up of a header field (the claimed header field is inherent in the information which is well known in the art) containing information such as an address necessary for communication and message instruction message, to be used at receiving side after the communication based on the header field is completed, the gateway device (GW11, Fig. 3) comprising: Judging means for judging, based on contents of the message field, whether or not the information received from one communication bus is to information that should be transmitted to the other communication bus (column 10, lines 54-67). Sato differs from the claimed invention in that Sato does not disclose filtering means.

However, Kawano teaches filtering means for transmitting the received information to the other communication bus (column 14, lines 54-63). One of the ordinary skill in the art would have been motivated to incorporate filtering means such as the one taught by Kawano into the communication network of Sato in order to remove unwanted information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate filter means

such as the one taught by Kawano into the communication system of Sato. The motivation would be it provides security and efficiency.

Regarding claim 14, Sato teaches that the gateway device (column 9, line 44 ; see GWI 1, Fig. 3) interconnects two communication buses (11,12, Fig. 3) in an automobile.

Regarding claims 15, 16, Sato discloses a method of gatewaying in a gateway device which interconnects two communication buses implemented with different communication methods, and in which information to be communicated is made up of a header field containing information including an address and a message field including a command and an associated parameter, the method of gatewaying (column 9, line 44; see GW11 of Fig.3) comprising the steps of: (a) judging, based on the command contained in the message field of said communication data, whether or not the information received from one communication bus is the information that should be transmitted to the other communication bus (column 10, lines 54-67). Sato differs from the claimed invention in that Sato does not disclose performing filtering to transmit the received information to the other communication bus when in the step (a) the received information is judged to be the information that should be transmitted.

However, Kawano discloses performing filtering to transmit the received information to the other communication bus when in the step (a) the received information is judged to be the information that should be transmitted (column 14, lines 54-63). One of the ordinary skill in the art would have been motivated to incorporate performing filtering to transmit the received information to the other communication that should be transmitted such as the one taught by Kawano in to the communication network of Sato in order to remove unwanted information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kawano into the system of Sato. The motivation would be it provides security and efficiency.

Regarding claims 19, 20, 21, Sato discloses the gateway device (GW, Fig. 3), wherein the information is payload information (the claimed payload information corresponds to data frame of Sato; column 10, lines 62-63)).

Regarding claims 23, 25, Sato discloses that the header field includes information specifying a destination address (destination address is in the header field; see Fig. 14).

Regarding claims 24, 26, Sato discloses that the header field includes information specifying a destination address (destination address is in the header field; see Fig. 14).

Response to Arguments

3. Applicant's arguments filed 04/05/2004 have been fully considered but they are not persuasive.

A) At page 9, in claim 10 of the response to the office Action dated 04/05/2004, Applicant argued that Sato fails to teach or suggest that the gateway GW11 makes any judgment based on contents of the message field of the data frame as is required by claim 10.

B) In response, examiner maintains that Sato discloses judging means for judging, based on contents of the message field (column 10, lines 54-67).

C) At pages 11, in claim 10, Applicant argued that Kawano's transmitting filter processor does not include a "filtering means for transmitting the received information to the other

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communication bus when the received information is judged by the judging means to be the information that should be transmitted.

D) In response, the examiner does not agree with the Applicant's argument and still maintains that Kawano does disclose a "filtering means for transmitting the received information to the other communication bus when the received information is judged by the judging means to be the information that should be transmitted (column 14, lines 54-63).

E) At page 11, in claim 10, Applicant argued that Kawano does not provide the teaching or suggestion of the received judging means that is missing from Sato.

F) In response, the examiner maintains that Sato does disclose the received judging means (column 1, lines 58-60).

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any inquiry of a general nature or relating to the status of this application or proceeding **should be directed to the Electronic Business Center (EBC) numbers at 866-217-9197** and 703-305-3028.

/ALEXANDER BOAKYE/

Examiner, Art Unit 2416

3/30/2009

/Chi H Pham/

Supervisory Patent Examiner, Art Unit 2416

4/2/09